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EXAMINER	
DUFFIELD, JEREMY S	

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4178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/604,235	HAEMERLE, RICHARD R.	
	Examiner	Art Unit	
	Jeremy Duffield	4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-83* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-83* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *23 October 2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-83 are objected to because of the following informalities: Applicant needs to spell-out which claim is being stated, i.e. Line 1 of claim 1, "[c1]" needs to be changed to --1.-- or --Claim 1--. Appropriate correction is required.

2. Claim 25 is objected to because of the following informalities: Line 5, "via said unit" needs to be changed to --via said unit.--. Appropriate correction is required.

3. Claim 74 is objected to because of the following informalities: Lines 29 and 30, "unit; and and further" needs to be changed to --unit; and further--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20, 22-29, 31-37, 39-45, and 53-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes (US 2003/0065805).

Regarding claim 1, Barnes teaches a system for providing information to a mobile user, (Para. 3, lines 1-5), comprising:

a unit, i.e. mobile phone/PDA (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit further capable of displaying said data to a user (Para. 37, lines 1-5) and receiving commands from said user (Para. 36, lines 1-3); and

a centralized database, i.e. service registry (Para. 80, lines 4-8) capable of transmitting and receiving data including informational and location positioning data said centralized database in electronic communication with said unit (Para. 162, lines 1-8);

wherein informational data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8; Para. 163, lines 1-9).

Regarding claim 2, Barnes further teaches the unit is in electronic communication with at least one global positioning system satellite for retrieving location positioning data (Para. 97, lines 1-8).

Regarding claim 3, Barnes further teaches signal transmission towers, i.e. mobile telephone network, in electronic communication with said centralized

database and said unit for transmitting said location positioning data and said correlated informational data between said centralized database and said unit (Para. 44, lines 16-19; Para. 162, lines 1-8). Barnes meets this limitation in the fact that signal transmission towers are included in a mobile telephone network.

Regarding claim 4, Barnes teaches the unit further comprises a microphone for use in transmitting audio data through said unit (Para. 36, lines 1-3) and a speaker for use in receiving audio data from said unit (Para. 37, lines 1-5).

Regarding claim 5, Barnes teaches the unit further comprises a digital camera mounted therein (Para. 123, lines 4-6).

Regarding claim 6, Barnes teaches the unit further includes a display portion (Para. 37, lines 1-5) and an interface portion, i.e. keyboard, said unit adapted such that a user can interact, via the interface portion, with a virtual environment depicted on said display portion (Para. 36, lines 1-8).

Regarding claim 7, Barnes teaches the correlated informational data transmitted from said database to said unit comprises advertising data transmitted to said unit in response to data requested by said user from said

database via said unit (Para. 80, lines 4-8; Para. 162, lines 1-8; Para. 157, lines 1-9).

Regarding claim 8, claim is analyzed with respect to claim 3.

Regarding claim 9, claim is analyzed with respect to claim 6.

Regarding claim 10, claim is analyzed with respect to claim 7.

Regarding claim 11, claim is analyzed with respect to claim 6.

Regarding claim 12, claim is analyzed with respect to claim 7.

Regarding claim 13, claim is analyzed with respect to claim 6.

Regarding claim 14, claim is analyzed with respect to claim 7.

Regarding claim 15, claim is analyzed with respect to claim 6.

Regarding claim 16, claim is analyzed with respect to claim 7.

Regarding claim 17, claim is analyzed with respect to claim 7.

Regarding claim 18, Barnes teaches a system for providing information to a mobile user, (Para. 3, lines 1-5), comprising:

a unit, (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data, (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit further capable of displaying said data to a user, (Para. 37, lines 1-5), and receiving commands from said user, (Para. 36, lines 1-3), said unit including a display portion for displaying data to said user, (Para. 37, lines 1-5), and an interface portion for allowing said user to interact with said unit (Para. 36, lines 1-3);

a centralized database, (Para. 80, lines 4-8; Para. 81, lines 12-15), capable of transmitting and receiving data including informational and location positioning data, said centralized database in electronic communication with said unit, wherein informational data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8; Para. 163, lines 1-9); and

a wireless network, i.e. mobile telephone network, for allowing transmission of data between said unit and said centralized database (Para. 44, lines 10-21; Para. 162, lines 1-8);

wherein the correlated informational data transmitted from said database to said unit comprises advertising data transmitted to said unit in response to

data requested by said user from said database via said unit (Para. 80, lines 4-8; Para. 162, lines 1-8; Para. 157, lines 1-9).

Regarding claim 19, Barnes further teaches the unit is in electronic communication with at least one global positioning system satellite for retrieving location positioning data (Para. 97, lines 1-8).

Regarding claim 20, Barnes further teaches signal transmission towers in electronic communication with said centralized database and said unit for transmitting said location positioning data and said correlated informational data between said centralized database and said unit (Para. 44, lines 16-19; Para. 162, lines 1-8). Barnes meets this limitation in the fact that signal transmission towers are included in a mobile telephone network.

Regarding claim 22, Barnes further teaches a microphone for use in transmitting audio data through said unit, (Para. 36, lines 1-3), and a speaker for use in receiving audio data from said unit (Para. 37, lines 1-5).

Regarding claim 23, Barnes further teaches a digital camera mounted therein (Para. 123, lines 4-6).

Regarding claim 24, Barnes further teaches news service data transmitted to said unit in response to data requested by said user from said database via said unit (Para. 401, lines 1-15).

Regarding claim 25, Barnes further teaches travel planning data, i.e. directions for travel, transmitted to said unit in response to data requested by said user from said database via said unit (Para. 166, lines 1-6).

Regarding claim 26, Barnes further teaches telephone directory data, i.e. business listing or yellow pages, transmitted to said unit in response to data requested by said user from said database via said unit (Para. 162, lines 1-8).

Regarding claim 27, Barnes further teaches digital image data, i.e. product data, transmitted to said unit in response to data requested by said user from said database via said unit (Para. 404, lines 1-13).

Regarding claim 28, Barnes further teaches digital audio data transmitted to said unit in response to data requested by said user from said database via said unit (Para. 401, lines 1-15).

Regarding claim 29, claim is analyzed with respect to claim 20.

Regarding claim 31, claim is analyzed with respect to claim 22.

Regarding claim 32, claim is analyzed with respect to claim 23.

Regarding claim 33, claim is analyzed with respect to claim 24.

Regarding claim 34, claim is analyzed with respect to claim 25.

Regarding claim 35, claim is analyzed with respect to claim 26.

Regarding claim 36, claim is analyzed with respect to claim 27.

Regarding claim 37, claim is analyzed with respect to claim 28.

Regarding claim 39, claim is analyzed with respect to claim 22.

Regarding claim 40, claim is analyzed with respect to claim 23.

Regarding claim 41, claim is analyzed with respect to claim 24.

Regarding claim 42, claim is analyzed with respect to claim 25.

Regarding claim 43, claim is analyzed with respect to claim 26.

Regarding claim 44, claim is analyzed with respect to claim 27.

Regarding claim 45, claim is analyzed with respect to claim 28.

Regarding claim 53, claim is analyzed with respect to claim 23.

Regarding claim 54, claim is analyzed with respect to claim 24.

Regarding claim 55, claim is analyzed with respect to claim 25.

Regarding claim 56, claim is analyzed with respect to claim 26.

Regarding claim 57, claim is analyzed with respect to claim 27.

Regarding claim 58, claim is analyzed with respect to claim 28.

Regarding claim 59, claim is analyzed with respect to claim 24.

Regarding claim 60, claim is analyzed with respect to claim 25.

Regarding claim 61, claim is analyzed with respect to claim 26.

Regarding claim 62, claim is analyzed with respect to claim 27.

Regarding claim 63, claim is analyzed with respect to claim 28.

Regarding claim 64, claim is analyzed with respect to claim 25.

Regarding claim 65, claim is analyzed with respect to claim 26.

Regarding claim 66, claim is analyzed with respect to claim 27.

Regarding claim 67, claim is analyzed with respect to claim 28.

Regarding claim 68, claim is analyzed with respect to claim 26.

Regarding claim 69, claim is analyzed with respect to claim 27.

Regarding claim 70, claim is analyzed with respect to claim 28.

Regarding claim 71, claim is analyzed with respect to claim 27.

Regarding claim 72, claim is analyzed with respect to claim 28.

Regarding claim 73, claim is analyzed with respect to claim 28.

Regarding claim 74, Barnes teaches a system for providing information to a mobile user (Para. 3, lines 1-5) comprising:

a unit, (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit further capable of displaying said data to a user (Para. 37, lines 1-5) and receiving commands from said user (Para. 36, lines 1-8), said unit including a display portion for displaying data to said user (Para. 37, lines 1-5) and an interface portion for allowing said user to interact with said unit (Para. 36, lines 1-8);

a centralized database, (Para. 80, lines 4-8; Para. 81, lines 12-15)capable of transmitting and receiving data including informational and position location positioning data, said centralized database in electronic communication with said unit, wherein information data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8, Para. 163, lines 1-9);

a wireless network for allowing transmission of said location positioning data and said correlated informational data between said unit and said centralized database (Para. 44, lines 10-21; Para. 162, lines 1-8);

a microphone in electronic communication with said unit for transmitting audio data to said unit (Para. 36, lines 1-3);

a speaker in electronic communication with said unit for receiving audio information from said unit (Para. 37, lines 1-5);

a digital camera mounted in said unit (Para. 123, lines 4-6);

wherein said unit is operable to allow a user to interact with a virtual environment via said interface portion of said unit, i.e. keyboard, touch pad, buttons, etc. (Para. 36, lines 1-8); and

further wherein said correlated informational data transmitted between said centralized database and said unit is selected from the group consisting of advertising data transmitted (Para. 80, lines 4-8), telephone directory data (Para. 162, lines 1-8), travel planning data (Para. 166, lines 1-6), news service data (Para. 401, lines 1-15), digital image data (Para. 404, lines 1-13), and digital audio data (Para. 401, lines 1-15), and wherein said correlated informational data is transmitted to said unit in response to data requested by said user from said database via said unit (Para. 162, lines 1-8; Para. 157, lines 1-9).

Regarding claim 75, Barnes further teaches the unit is a mobile unit (Para. 34, lines 1-4; Para. 35, lines 1-2).

Regarding claim 76, Barnes further teaches the unit is a stationary unit (Para. 34, lines 1-4; Para. 35, lines 1-2). Barnes meets this limitation because a mobile or portable unit can be made stationary.

Regarding claim 77, claim is analyzed with respect to claim 75.

Regarding claim 78, claim is analyzed with respect to claim 76.

Regarding claim 79, claim is analyzed with respect to claim 75.

Regarding claim 80, claim is analyzed with respect to claim 76.

Regarding claim 81, Barnes further teaches the user can transmit data from said unit to a remote data storage device for storage therein (Para. 139, lines 1-9).

Regarding claim 82, claim is analyzed with respect to claim 81.

Regarding claim 83, claim is analyzed with respect to claim 81.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21, 30, 38, and 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Hoffberg (US 6,252,544).

Regarding claim 21, Barnes teaches all elements of claim 18.

Barnes also teaches electronic communication with said centralized database and said unit for transmitting said location positioning data and said correlated informational data between said centralized database and said unit (Para. 162, lines 1-8).

Barnes does not clearly teach at least one satellite in electronic communication with said centralized database and said unit for transmitting said location positioning data and said correlated informational data between said centralized database and said unit.

Hoffberg teaches a satellite (Fig. 1, el. 16) in electronic communication with said centralized database (Fig. 1, el. 17, 25, 20) and a unit for transmitting data between said centralized database and the unit, i.e. mobile communications device (Fig. 1, el. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnes to have a satellite in electronic

communication with the centralized database and the unit for transmitting location positioning data and correlated informational data between the centralized database and the unit so to enable the user to have a much larger access area.

Regarding claim 30, claim is analyzed with respect to claim 21.

Regarding claim 38, claim is analyzed with respect to claim 21.

Regarding claim 46, Barnes (Para. 36, lines 1-3; Para. 37, lines 1-5) in view of Hoffberg further teaches a microphone for use in transmitting audio data through said unit and a speaker for use in receiving audio data from said unit.

Regarding claim 47, Barnes (Para. 123, lines 4-6) in view of Hoffberg further teaches a digital camera mounted therein.

Regarding claim 48, Barnes (Para. 401, lines 1-15) in view of Hoffberg further teaches news service data transmitted to said unit in response to data requested by said user from said database via said unit.

Regarding claim 49, Barnes (Para. 166, lines 1-6) in view of Hoffberg further teaches travel planning data, i.e. directions for travel, transmitted to said unit in response to data requested by said user from said database via said unit.

Regarding claim 50, Barnes (Para. 162, lines 1-8) in view of Hoffberg further teaches telephone directory data transmitted to said unit in response to data requested by said user from said database via said unit.

Regarding claim 51, Barnes (Para. 404, lines 1-13) in view of Hoffberg further digital image data, i.e. product data, transmitted to said unit in response to data requested by said user from said database via said unit.

Regarding claim 52, Barnes (Para. 401, lines 1-15) in view of Hoffberg further teaches digital audio data transmitted to said unit in response to data requested by said user from said database via said unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Duffield whose telephone number is (571) 270-1643. The examiner can normally be reached on Mon.-Thurs. 7:30 A.M.-5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on (571) 272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 27, 2007
JSD

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4178